



Commission on Peace Officer Standards and Training

1601 Alhambra Blvd
Sacramento, CA 95816-7083
www.post.ca.gov

Date: November 18, 2008

Bulletin: No. 2008-18

Subject: Notice of Proposed Regulatory Action – Professional Certificates and Certificate Replacement – Regulations 9070 and 9077

At the April 2006 meeting, the Commission approved the reformatting of the *POST Administrative Manual (PAM)*. In July 2006 the Commission approved new (i.e., reformatted) text for POST PAM Chapter 7 – Certificates, Regulation 9070, et. seq. Since the reformatted Regulation 9070 has been in use, two substantive errors have been noticed and require correction. First, previous text specifying that the Supervisory, Management, and Executive Certificates each require two years of satisfactory experience in the capacity designated was shortened and inadvertently left out of the new regulations. The resulting new regulation allows peace officers who do not possess the required experience to obtain advanced certificates before the Commission traditionally deems them eligible. Second, new text [9077(a)(2)] was added pertaining to the numbering of replacement certificates. This section should not have been added because it describes a nonexistent process.

The attached notice describes the proposed changes and includes an invitation for written input on this proposal, the deadline for written comments, and information about requesting a public hearing. The following related information is available on the POST website at: www.post.ca.gov/RegulationNotices/RegulationNotices.asp:

- POST Bulletin and Notice of Proposed Regulatory Action
- Text of Proposed Regulatory Action
- Initial Statement of Reasons

Please direct any inquiries or comments pertaining to the proposed action to Leah Cherry, Commission on Peace Officer Standards and Training, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, by email at lcherry@post.ca.gov, by telephone at (916) 227-4856, or by fax at (916) 227-5271. Michael McVean is the contact for inquiries on the substance of the proposed revisions. Mr. McVean is available by email at mmcvean@post.ca.gov, or by telephone at (916) 227-4253.

PAUL CAPPITELLI
Executive Director

Attachment: Notice of Proposed Regulatory Action

NOTICE OF PROPOSED REGULATORY ACTION
Regulations 9070 and 9077
Professional Certificates and Certificate Replacement

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Chapter 2 of Title 11 of the California Code of Regulations as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code Section 11346.8, any interested person, or his/her duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

Public Comments Due by January 12, 2009

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 227-5271, or by letter to the:

Commission on POST
Attention: Rulemaking
1601 Alhambra Boulevard
Sacramento, CA 95816-7081

Authority and Reference

This proposal is made pursuant to the authority vested by Penal Code Section 13503 (authority of the Commission on POST) and Penal Code Section 13506 (POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific Penal Code Section 13503(e), which authorizes POST to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

Informative Digest/Policy Statement Overview

At the April 2006 meeting, the Commission approved the reformatting of *PAM*. In July 2006 the Commission approved new (i.e., reformatted) text for *PAM* Chapter 7 – Certificates, Regulation 9070, et. seq. Since the reformatted Regulation 9070 has been in use, two substantive errors have been noticed and require correction. First, previous text specifying that the Supervisory, Management, and Executive Certificates each require two years of satisfactory experience in the capacity designated was shortened and inadvertently left out of the new regulations. The resulting new regulation allows peace officers who do not possess the required experience to obtain advanced certificates before the Commission traditionally deems them eligible. Second, new text [9077(a)(2)] was added pertaining to the numbering of replacement certificates. This should not have been added because it describes a nonexistent process.

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Adoption of Proposed Regulations

Following the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date that the revised text is made available.

Estimate of Economic Impact

Fiscal impact on Public Agencies including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Non-Discretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Costs to any Local Agency or School District for which Government Code Section 17561 Requires Reimbursement: None

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with businesses in other states. The Commission on Peace Officer Standards and Training has found that the proposed amendments will not affect California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement which does not impact California businesses, including small businesses.

Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Affect on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would have no affect on housing costs.

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Assessment

The adoption of the proposed amendments of regulations will neither create nor eliminate jobs in the state of California, nor result in the elimination of existing businesses or create or expand businesses in the state of California.

Consideration of Alternatives

To take this action, the Commission must determine that no reasonable alternative considered by the Commission, or otherwise identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

Contact Persons

Please direct any inquiries or comments pertaining to the proposed action to Leah Cherry, Commission on Peace Officer Standards and Training, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, by email at lcherry@post.ca.gov, by telephone at (916) 227-4856, or by fax at (916) 227-5271. Michael McVean is the contact for inquiries on the substance of the proposed revisions. Mr. McVean is available by email at mmcvean@post.ca.gov, or by telephone at (916) 227-4253.

Availability and Location of the Rulemaking File and the Final Statement of Reasons

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person(s) named above.

To request a copy of the Final Statement of Reasons once it has been approved, submit a written request to the contact person(s) named above.